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CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on the below date:

Date: 10/5/04 Name: Andrew D. Stover, Reg. No. 38,629 Signature:

BRINKS
HOFER
GILSON
& LIONE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: **JAMES O. BURKE**

Appln. No.: **10/797,638**

Filed: **March 10, 2004**

For: **METHODS FOR STARTING AN
INTERNAL COMBUSTION ENGINE**

Attorney Docket No: **70-85**

Examiner: **Dolinar, Andrew M.**

Art Unit: **3747**

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

- ☒ Information Disclosure Statement.
- ☒ Form PTO 1449.
- ☒ Return Receipt Postcard

Fee calculation:

- ☒ No additional fee is required.
- ☐ Small Entity.
- ☐ An extension fee in an amount of \$_____ for a _____-month extension of time under 37 C.F.R. § 1.136(a).
- ☐ A petition or processing fee in an amount of \$_____ under 37 C.F.R. § 1.17(_____).
- ☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$9=			x \$18=	
Indep.		Minus			x 43=			x \$86=	
First Presentation of Multiple Dep. Claim					+\$145=			+\$290=	
					Total	\$		Total	\$

Fee payment:

- ☐ A check in the amount of \$_____ is enclosed.
- ☐ Please charge Deposit Account No. 23-1925 in the amount of \$_____. A copy of this Transmittal is enclosed for this purpose.
- ☐ Payment by credit card in the amount of \$_____ (Form PTO-2038 is attached).
- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

10/5/04
Date

Andrew D. Stover (Reg. No. 38,629)

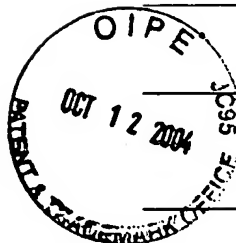
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on 10/5/04
Date of Deposit

Andrew D. Stover, Reg. No. 38,629
Name of applicant, assignee or
Registered Representative

[Signature]
Signature

10/5/04
Date of Signature



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Appln. No.: 10/797,638
Filed: March 10, 2004
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Attorney Docket No: 70-85

Examiner: Dolinar, Andrew M.
Art Unit: 3747

INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of disclosure under 37 C.F.R. §1.56 and §§1.97-1.98, and more particularly in accordance with 37 C.F.R. §1.97(b), Applicant hereby cites the following reference(s):

U.S. PATENT NO.	ISSUE DATE	PATENTEE
2,659,042	11/1953	Anderson et al.
3,638,108	01/1972	Channing
3,942,027	03/1976	Fima
4,161,682	07/1979	Corvette
4,488,147	12/1984	Signorile
4,492,912	01/1985	Nowakowski
4,494,162	01/1985	Eyler
4,510,431	04/1985	Winkler
4,540,929	08/1985	Binkley
4,727,306	02/1988	Misak et al.
4,857,820	08/1989	Tompkins et al.

U.S. PATENT NO.	ISSUE DATE	PATENTEE
4,902,955	02/1990	Manis et al.
5,039,930	08/1991	Collier et al.
5,077,513	12/1991	Dea et al.
5,146,095	09/1992	Tsuchiya et al.
5,157,267	10/1992	Shirata et al.
5,155,373	10/1992	Tsuchiya et al.
H1172	04/1993	Gorniak
5,207,194	05/1993	Clerici
5,260,637	11/1993	Pizzi
5,321,389	06/1994	Meister
5,371,455	12/1994	Chen
5,563,454	10/1996	Araki et al.
5,589,292	12/1996	Rozon
5,637,978	06/1997	Kellet et al.
5,642,696	07/1997	Matsui
5,783,872	07/1998	Blair
5,793,185	08/1998	Prelec et al.
5,818,115	10/1998	Nagao
5,925,938	07/1999	Tamor
5,963,417	10/1999	Anderson et al.
5,998,961	12/1999	Brown
6,018,199	01/2000	Shiroyama et al.
6,034,492	03/2000	Saito et al.
6,057,667	05/2000	Mills
6,075,331	06/2000	Ando et al.
6,130,519	10/2000	Whiting et al.
6,133,645	10/2000	Scribner et al.
6,160,373	12/2000	Dunn et al.
6,163,088	12/2000	Codina et al.
6,211,577 B1	04/2001	Alksnat et al.
6,212,054 B1	04/2001	Chan
6,222,342 B1	04/2001	Eggert et al.
6,242,887 B1	06/2001	Burke
6,265,851	07/2001	Brien et al.
2001/0025618 A1	10/2001	Kelling
6,325,035 B1	12/2001	Codina et al.
6,362,595	03/2002	Burke
6,426,606 B1	07/2002	Purkey
2003-0222501A1	12/2003	Burke

FOREIGN PATENT DOCUMENTS

DOCUMENT NUMBER	DATE	COUNTRY
JP-2-175351	07/1990	Japan

OTHER ART

U.S. Provisional Patent Application No. 60/292,791, filed May 22, 2001, entitled "Vehicle With Switched Energy Storage System For Engine Cranking."
Translation of Japanese Patent Application Publication No. JP 2-175351, published July 6, 1990.
KBI Kapower Installation Operation Manual (KS I/Kold Ban International, Ltd. 1999).
KBI Kapower Super Capacitors (4-page brochure KBI/Kold Ban International, Ltd. 1999).
Miller, et al., SAE Technical Paper Series 982794 entitled "Truck Starting Using Electrochemical Capacitors," copyrighted 1998, pp. 1-7.
John R. Miller, "Engineering Battery-Capacitor Combinations in High Power Applications; Diesel Engine Starting," presented at "The 9th International Seminar on Double Layer Capacitors and Similar Energy Storage Devices", Deerfield Beach, Florida, pp. 1-11, December 6-8, 1999.
"KAPower Super Capacitors," Kold-Ban International, Ltd., brochures, pp. 1-4, 2000.
KBI KAPower™ "Installation-Operation Manual," KBI/Kold-Ban International, Ltd., KBI Form #131137 Rev. 06/00, pages 1-11, 2000.
"Battery Optimizer," brochure, Purkey's Fleet Electric Inc., 1999.
"Low Voltage Disconnects Switches & Alarms - Intelligent Battery Saving Devices," SP Sure Power Industries, Inc., brochure, pages 1-2, 1998.
"The Intra Switch," http://www.intra-usa.com/intra-switch.html , IntraUSA, 1998.
Charge All Wheel Type Battery Chargers (Model 13,-012 Boos All, Good All Mfg., 1999).
U.S. Patent Application Serial No. 09/838,005, filed April 18, 2001, Inventor: Burke.
KBi, "KBi Kranking Kap Super Capacitors," KBi Publication, 2 pages, 2000.
"KAPower Super Capacitors," Kold-Ban International, Ltd., brochures, pp. 1-4, 2000.
KBI, "KrankingKart Professional Jump-Start Unit," obtained at the internet address: http://www.koldban.com/mainpages/karts.htm , 3 pages, August 30, 2001.
Capacitor Log, 5/15/02.

The Capacitor Log reference lists various capacitors that were shipped to various users. At least some of the capacitors were thereafter installed in vehicles by personnel from Kold Ban Intl. Ltd., the Assignee of the present application. The users were not charged for the capacitors, but rather were provided the capacitors for experimental use

in various vehicles. It is believed that at least some of the capacitors were installed in accordance with instructions as set forth in reference A68. Various capacitors also were shipped to Goodal Mfg. in April, 1999 for evaluation, rather than for installation into a vehicle. Goodal was not charged for the capacitors.

Applicant is enclosing Form PTO-1449 (three sheets), along with a copy of each listed reference for which a copy is required under 37 C.F.R. §1.98(a)(2). As each of the listed references is in English, no further commentary is believed to be necessary, 37 C.F.R §1.98(a)(3). Applicant respectfully requests the Examiner's consideration of the above reference(s) and entry thereof into the record of this application.

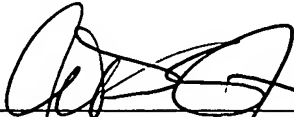
This application is a continuation of U.S. Serial No. 10/278,524 filed October 23, 2002, which is a continuation of U.S. Serial No. 09/652,686 filed August 31, 2000, both of which are relied upon for earlier filing dates under 35 U.S.C. §120. In accordance with 37 C.F.R §1.98(d), only copies of documents not previously cited by and/or submitted to the Patent and Trademark Office in the prior applications (S/N 10/278,524 and S/N 09/652,686) are enclosed.

By submitting this Statement, Applicant is attempting to fully comply with the duty of candor and good faith mandated by 37 C.F.R. §1.56. As such, this Statement is not intended to constitute an admission that any of the enclosed references, or other information referred to therein, constitutes "prior art" or is otherwise "material to patentability," as that phrase is defined in 37 C.F.R. §1.56(a).

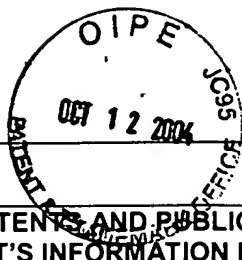
Applicant has calculated no fee to be due in connection with the filing of this Statement. However, the Director is authorized to charge any fee deficiency associated with the filing of this Statement to a deposit account, as authorized in the Transmittal accompanying this Statement.

Respectfully submitted,

10/5/04
Date



Andrew D. Stover (Reg. No. 38,629)



FORM PTO-1449	SERIAL NO. 10/797,638	CASE NO. 70-85
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE March 10, 2004	PRIOR GROUP ART UNIT 3747
(use several sheets if necessary)		APPLICANT(S): JAMES O. BURKE

REFERENCE DESIGNATION U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A1	2,659,042	11/1953	Anderson et al.		
	A2	3,638,108	01/1972	Channing		
	A3	3,942,027	03/1976	Fima		
	A4	4,161,682	07/1979	Corvette		
	A5	4,488,147	12/1984	Signorile		
	A6	4,492,912	01/1985	Nowakowski		
	A7	4,494,162	01/1985	Eyler		
	A8	4,510,431	04/1985	Winkler		
	A9	4,540,929	08/1985	Binkley		
	A10	4,727,306	02/1988	Misak et al.		
	A11	4,857,820	08/1989	Tompkins et al.		
	A12	4,902,955	02/1990	Manis et al.		
	A13	5,039,930	08/1991	Collier et al.		
	A14	5,077,513	12/1991	Dea et al.		
	A15	5,146,095	09/1992	Tsuchiya et al.		
	A16	5,157,267	10/1992	Shirata et al.		
	A17	5,155,373	10/1992	Tsuchiya et al.		
	A18	H1172	04/1993	Gorniak		
	A19	5,207,194	05/1993	Clerici		
	A20	5,260,637	11/1993	Pizzi		
	A21	5,321,389	06/1994	Meister		
	A22	5,371,455	12/1994	Chen		
	A23	5,563,454	10/1996	Araki et al.		
	A24	5,589,292	12/1996	Rozon		
	A25	5,637,978	06/1997	Kellet et al.		
	A26	5,642,696	07/1997	Matsui		
	A27	5,783,872	07/1998	Blair		
	A28	5,793,185	08/1998	Prelec et al.		
	A29	5,818,115	10/1998	Nagao		
	A30	5,925,938	07/1999	Tamor		
	A31	5,963,417	10/1999	Anderson et al.		
	A32	5,998,961	12/1999	Brown		
	A33	6,018,199	01/2000	Shiroyama et al.		
	A34	6,034,492	03/2000	Saito et al.		
	A35	6,057,667	05/2000	Mills		
	A36	6,075,331	06/2000	Ando et al.		
	A37	6,130,519	10/2000	Whiting et al.		

EXAMINER	DATE CONSIDERED
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EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449	SERIAL NO. 10/797,638	CASE NO. 70-85
LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT	FILING DATE March 10, 2004	GROUP ART UNIT 3747
(use several sheets if necessary)		APPLICANT(S): JAMES O. BURKE

REFERENCE DESIGNATION

U.S. PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS/ SUBCLASS	FILING DATE
	A38	6,133,645	10/2000	Scribner et al.		
	A39	6,160,373	12/2000	Dunn et al.		
	A40	6,163,088	12/2000	Codina et al.		
	A41	6,211,577 B1	04/2001	Alksnat et al.		
	A42	6,212,054 B1	04/2001	Chan		
	A43	6,222,342 B1	04/2001	Eggert et al.		
	A44	6,242,887 B1	06/2001	Burke		
	A45	6,265,851	07/2001	Brien et al.		
	A46	2001/0025618 A1	10/2001	Kelling		
	A47	6,325,035 B1	12/2001	Codina et al.		
	A48	6,362,595	03/2002	Burke		
	A49	6,426,606 B1	07/2002	Purkey		
	A50	2003-0222501A1	12/2003	Burke		

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	COUNTRY	CLASS/ SUBCLASS	TRANSLATION YES NO
	A51	JP-2-175351	07/1990	Japan		X

EXAMINER INITIAL	OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)	
	A52	U.S. Provisional Patent Application No. 60/292,791, filed May 22, 2001, entitled "Vehicle With Switched Energy Storage System For Engine Cranking."
	A53	Translation of Japanese Patent Application Publication No. JP 2-175351, published July 6, 1990.
	A54	KBI Kapower Installation Operation Manual (KS I/Kold Ban International, Ltd. 1999).
	A55	KBI Kapower Super Capacitors (4-page brochure KBI/Kold Ban International, Ltd. 1999).
	A56	Miller, et al., SAE Technical Paper Series 982794 entitled "Truck Starting Using Electrochemical Capacitors," copyrighted 1998, pp. 1-7.
	A57	John R. Miller, "Engineering Battery-Capacitor Combinations in High Power Applications; Diesel Engine Starting," presented at "The 9th International Seminar on Double Layer Capacitors and Similar Energy Storage Devices", Deerfield Beach, Florida, pp. 1-11, December 6-8, 1999.
	A58	"KAPower Super Capacitors," Kold-Ban International, Ltd., brochures, pp. 1-4, 2000.
	A59	KBI KAPower™ "Installation-Operation Manual," KBI/Kold-Ban International, Ltd., KBI Form #131137 Rev. 06/00, pages 1-11, 2000.

EXAMINER	DATE CONSIDERED
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(use several sheets if necessary)		APPLICANT(S): JAMES O. BURKE

EXAMINER INITIAL	OTHER ART (Including Author, Title, Date, Pertinent Pages, etc.)	
	A60	"Battery Optimizer," brochure, Purkey's Fleet Electric Inc., 1999.
	A61	"Low Voltage Disconnects Switches & Alarms - Intelligent Battery Saving Devices," SP Sure Power Industries, Inc., brochure, pages 1-2, 1998.
	A62	"The Intra Switch," http://www.intra-usa.com/intra-switch.html , IntraUSA, 1998.
	A63	Charge All Wheel Type Battery Chargers (Model 13,-012 Boos All, Good All Mfg., 1999).
	A64	U.S. Patent Application Serial No. 09/838,005, filed April 18, 2001, Inventor: Burke.
	A65	KBi, "KBi Kranking Kap Super Capacitors," KBi Publication, 2 pages, 2000.
	A66	"KAPower Super Capacitors," Kold-Ban International, Ltd., brochures, pp. 1-4, 2000.
	A67	KBI, "KrankingKart Professional Jump-Start Unit," obtained at the internet address: http://www.koldban.com/mainpages/karts.htm , 3 pages, August 30, 2001.
	A68	Capacitor Log, 5/15/02.

EXAMINER	DATE CONSIDERED
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